

MESSAGE NO: 2160111

MESSAGE DATE: 06/08/1992

MESSAGE STATUS: Active

CATEGORY: Countervailing

TYPE: FIN-Final Determination

PUBLIC ☒

NON-PUBLIC ☐

SUB-TYPE:

FR CITE: FR

FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): C-570-816

EFFECTIVE DATE:

COURT CASE #:

PERIOD OF REVIEW:

TO

PERIOD COVERED: 06/05/1992 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: FINAL NEGATIVE COUNTERVAILING DUTY DETERMINATION: OSCILLATING AND
CEILING FRANS FROM THE PEOPLE'S REPUBLIC OF CHINA

MESSAGE NO: 2160111

DATE: 06 08 1992

CATEGORY: CVD

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REFERENCE:

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CASES: C - 570 - 816

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PERIOD COVERED: 06 05 1992 TO

LIQ SUSPENSION DATE:

TO: REGIONAL DIRECTORS, COMMERCIAL OPERATIONS
DISTRICT DIRECTORS, AREA AND PORT DIRECTORS

FROM: DIRECTOR, IMPORT SPECIALIST DIVISION

RE: FINAL NEGATIVE COUNTERVAILING DUTY DETERMINATION:
OSCILLATING AND CEILING FRANS FROM THE PEOPLE'S REPUBLIC
OF CHINA

1. THE DEPARTMENT OF COMMERCE PUBLISHED IN THE FEDERAL REGISTER
ON JUNE 5, 1992, NOTICE OF ITS FINAL DETERMINATION THAT NO
BENEFITS WHICH CONSTITUTE BOUNTIES OR GRANTS WITHIN THE MEANING
OF THE COUNTERVAILING DUTY LAW ARE BEING PROVIDED TO THE
MANUFACTURERS OF OSCILLATING AND CEILING FANS FROM THE PEOPLE'S
REPUBLIC OF CHINA.

2. IMPORTS COVERED BY THESE INVESTIGATIONS CONSTITUTE TWO
SEPARATE CLASSES OR KINDS OF MERCHANDISE: (1) OSCILLATING FANS;

AND (2) CEILING FANS. OSCILLATING FANS ARE ELECTRIC FANS THAT DIRECT A FLOW OF AIR USING A FAN BLADE/MOTOR UNIT THAT PIVOTS BACK AND FORTH ON A STATIONARY BASE ("OSCILLATES"). OSCILLATING FANS INCORPORATE A SELF CONTAINED ELECTRIC MOTOR OF AN OUTPUT NOT EXCEEDING 125 WATTS. CEILING FANS ARE ELECTRIC FANS THAT DIRECT A DOWNWARD AND/OR UPWARD FLOW OF AIR USING A FAN BLADE/MOTOR UNIT. CEILING FANS INCORPORATE A SELF-CONTAINED ELECTRIC MOTOR OF AN OUTPUT NOT EXCEEDING 125 WATTS. CEILING FANS ARE DESIGNED FOR PERMANENT OR SEMI-PERMANENT INSTALLATION.

WINDOW FANS, INDUSTRIAL OSCILLATING FANS, INDUSTRIAL CEILING FANS, AND COMMERCIAL VENTILATOR FANS ARE NOT INCLUDED WITHIN THE SCOPE OF THESE INVESTIGATIONS. FURTHERMORE, INDUSTRIAL CEILING FANS ARE DEFINED AS CEILING FANS THAT MEET SIX OR MORE OF THE FOLLOWING CRITERIA IN ANY COMBINATION: A MAXIMUM SPEED OF GREATER THAN 280 REVOLUTIONS PER MINUTE (RPMS); A MINIMUM AIR DELIVER CAPACITY OF 8000 CUBIC FEET PER MINUTE (CFM); NO REVERSIBLE MOTOR SWITCH; CONTROLLED BY WALL-MOUNTED ELECTRONIC SWITCH; NO BUILT-IN MOTOR CONTROLS; NO DECORATIVE FEATURES; NOT LIGHT ADAPTABLE; FAN BLADES GREATER THAN 52 INCHES IN DIAMETER; METAL FAN BLADES; DOWNROD MOUNTING ONLY-NO HUGGER MOUNTING CAPABILITY; THREE FAN BLADES; FAN BLADES MOUNTED ON TOP OF MOTOR HOUSING; SINGLE-SPEED MOTOR.

THE HARMONIZED TARIFF SCHEDULE (HTS) SUBHEADING UNDER WHICH OSCILLATING FANS ARE CLASSIFIABLE IS 8414.51.0090. THE HTS SUBHEADING UNDER WHICH CEILING FANS ARE CLASSIFIABLE IS 8414.51.0030. ALTHOUGH THE HTS SUBHEADINGS ARE PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES, OUR WRITTEN DESCRIPTION OF THE SCOPE OF THIS PROCEEDING IS DISPOSITIVE.

3. FOR FURTHER REPORTING PURPOSES, THIS COUNTERVAILING DUTY INVESTIGATION HAS BEEN ASSIGNED INVESTIGATION NUMBER C-570-816.

NO ENTRIES SHOULD HAVE BEEN SUSPENDED FOR COUNTERVAILING DUTY PURPOSES. THERE IS HOWEVER, A CONCURRENT ANTIDUMPING CASE. ENTRIES SHOULD BE SUSPENDED UNDER THE ANTIDUMPING CASE UNLESS OR UNTIL LIQUIDATION INSTRUCTIONS ARE RECEIVED.

4. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, THEY SHOULD CONTACT THE IMPORT SPECIALISTS DIVISION, OTHER AGENCY BRANCH, CUSTOMS HEADQUARTERS (202-566-8651), OR BY EMAIL TO ATTRIBUTE "HQ OAB." THE IMPORTING PUBLIC AND OTHER INTERESTED PARTIES SHOULD CONTACT ROSS COTJANLE OR BETH GRAHAM, OFFICE OF COUNTERVAILING INVESTIGATIONS, INTERNATIONAL TRADE ADMINISTRATION, DEPARTMENT OF COMMERCE, AT (202)377-3534 OR (202)377-4105, RESPECTIVELY.

5. THERE ARE NO RESTRICTIONS ON DISCLOSING THE ABOVE INFORMATION.

NANCY MCTIERNAN

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party